

My name is Brett Glass, and I founded the world's first fixed wireless ISP. I am also a musician and songwriter.

While I love to write and perform, music is not my primary source of income. One of the reasons why this is so is that I do not believe I could make a reasonable living wage in the current environment, in which piracy is rampant.

So, instead, I pursued a career in Electrical Engineering, as a chip designer, programmer, and -- eventually -- as an ISP. My company, LARIAT, was the first to use microwave equipment to deploy Internet service to unserved rural areas, and we continue to expand our coverage area by approximately the area of the District of Columbia every year. Not only do we provide service to some users who would otherwise have no terrestrial options; we also provide competitive options to users who might otherwise be locked into one provider. When we started, we were alone; now, there are more than 4,000 WISPs throughout the United States serving approximately a million accounts. Current regulations have not been favorable to us; the FCC's auction regime has forced us to use unlicensed spectrum because it allows large companies to lock us out of licensed spectrum. What's more, the FCC has failed to act on the issue of "special access," thus allowing telephone companies to engage in anticompetitive practices against us. But we soldier on nonetheless. What would deliver the coup de grace to WISPs, alas, would be regulation such as that proposed in the NPRM.

Our WISP has changed the lives of many people who otherwise would not have had high speed Internet access. It's challenging, but quite rewarding, to brave the elements to install the equipment and work out new and innovative ways to get our customers more for less. The rules in the NPRM, unfortunately, would outlaw some of our most popular and consumer-friendly rate plans, and thus would do great harm to us and our customers.

The rules in the NPRM would not, in their current form, prevent most of the ways that ISPs could rein in the piracy of music and movies. However, they do prohibit ISPs from blocking or hindering P2P programs, which were designed for the purpose of piracy (though they are occasionally used for other purposes). This is not a good thing. Just as some municipalities and states prohibit the possession of burglary tools, the rules should not prohibit ISPs from restricting the use of such tools.

Lobbying groups such as EFF (whose Chairman just happens to be a board member of BitTorrent, Inc., whose products are primarily used for piracy) are lobbying the FCC to change its proposed rules so that they actually protect pirates. It is important that the FCC not do this! Federal regulations should not enable, or make it difficult to stop, criminal activity. While the rules should not turn private parties (including ISPs) into policemen, they certainly should not prevent them from acting if they see theft in progress. ISPs should be able to work with law enforcement and with creators of intellectual property to stop piracy.

One of the dangers of the rules proposed in the NPRM is that they will prevent small, independent, and rural ISPs such as mine from offering consumer-friendly service plans (e.g. ones that do not allow servers and hence can use asymmetrical bandwidth). In fact, the rules may make it impossible for such ISPs to break even, thus harming broadband deployment, penetration, and competition. Since the rules do not address any actual problem (or any that is likely to occur), they should not be imposed.

As a wireless ISP, I can tell you with authority that wireless is different. We're limited by a lack of spectrum; by interference; by the FCC's own rules regarding power output. We also must carefully restrict the equipment that can be connected to our network, because incompatible or even incorrectly configured equipment can slow or stop the network. For this reason, the FCC should not impose regulations which impede the ability of wireless operators to manage and engineer their networks or to shape traffic so as to provide an acceptable user experience.

If the proposed rules are enacted, they will harm broadband deployment, access, and consumer choice. They will also impact quality of service and raise its price. Thus, in every way, they will harm rather than aid free speech.

ISPs in the United States are not restricting speech now, and due to competition there is no danger of that happening. On the other hand, content providers such as Google are censoring their sites; Google, for example, has shut down political discourse on its Orkut social networking site in India. Yet, these corporations -- while they were covered by the "Four Principles" document -- are conspicuously absent from the proposed rules in the NPRM.

I am submitting these comments via the Web site of a group called the "Future of Music Coalition," a lobbying group which is funded by Google and operates in cooperation with other Google-funded lobbying groups. Google, as you know, is spending millions of dollars in an attempt to impose "network neutrality" regulations upon ISPs, while at the same time attempting to ensure that it is exempt from those same regulations -- even though, in fact, it is a far more potent Internet gatekeeper than any ISP. (No ISP has monopoly power, but Google does.)

I'm entering these remarks via the group's "comment tool" -- a Web page which encourages visitors to support the group's (and Google's) agenda. I am concerned about the use of Web pages such as this one to "stuff the ballot box" in FCC proceedings. What's more, because these comments run contrary to Google's wishes, I have no idea whether they will actually be forwarded to the Commission or if they will be censored by the maintainers of the Web site.

If they do not appear, it will be yet another indication that in fact the Internet's real gatekeepers are

not ISPs (who face vibrant competition and therefore cannot and do not censor) but rather content providers.